

MEETING #40 - December 8

At a regular meeting (#1) of the Madison County Board of Supervisors on December 8, 2020 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT R. Clay Jackson, Chair
 Charlotte Hoffman, Vice-Chair
 Kevin McGhee, Member
 Amber Foster, Member
 Carty Yowell, Member
 Jack Hobbs, County Administrator
 Sean Gregg, County Attorney
 Jacqueline Frye, Deputy Clerk

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

All members are present; a quorum was established

Chairman Jackson made reference to the following amendments to today's Agenda:

Special Appearances

Add Items:

- *1b: Consideration: Sheriff's Deputy Bonuses*
- *3b: Consideration: Marcus Alert*
- *7a: Consideration: Hazard Mitigation Grant*

New Business

Add Item

- *12 - Discussion: MCRS Building*

Supervisor McGhee moved to approve the Agenda as amended, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Public Comment

Chairman Jackson opened the floor for public comment: [*\[The item noted on the Agenda was moved after Item 5\]*](#)

1b. Consideration: Sheriff's Deputy's Bonuses (Jackson): Chairman Jackson referred to the fact that the Governor has approved funding bonuses for the deputies that fall under the state compensation board. The county has about 21 deputies in place (to include County funded positions) which would total about \$5,000.00 if all deputies were to receive the bonus, which is felt to be most appropriate, and possibly funded through the County's contingency fund.

The County Administrator explained that the legislation has made funding available to those deputies that are funded through the State Compensation Board only and have excluded offering these funds to those deputies that are county funded only.

- *Supervisor McGhee: Explained (for the record) that not all of the deputies under the employ of the Madison County Sheriff's Office are funded through the County, but a portion are funded exclusively by the State Compensation Board.*

Supervisor McGhee moved that the Board of Supervisors approve the Governor's request to award a \$500 bonus for all Sheriff's Department deputies at a total net cost to the County of approximately \$5,000.00, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

2. Consideration: Resolution to Support Woodberry Forest's IDA Financing [Resolution #2020-30] (Gardner): Tracey Gardner, Director of Economic Development & Tourism was present to provide highlights on the resolution to support Woodberry Forest School's IDA Financing to fund upgrades to the Walker Building and other areas of the school campus. A recent meeting of the Madison Industrial Development Board was held to approve the request as presented.

Chris Kulp of Hunton & Williams, was present to advised that the Woodberry Forest School is seeking financing to fund improvements on the campus; the Madison County IDA Board adopted the resolution that was presented for consideration and action. In closing, tonight's resolution is being presented to the Madison County Board of Supervisors for consideration and/or action.

- *Chairman Jackson: Referred to the fact that Madison County values the Woodberry Forest School as a good neighbor; there have been several applications over the years for consideration which have always been most complete and accurate.*

Supervisor Hoffman moved that the Board approve Resolution #2020-30 [Resolution of the Board of Supervisors of Madison County, Virginia, Approving the Issuance of Bonds By the Industrial Development Authority of Madison, County, Virginia, for the Benefit of Woodberry Forest School], seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Resolution #2020-30 reads as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON
COUNTY, VIRGINIA, APPROVING THE ISSUANCE OF BONDS BY
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MADISON,
COUNTY, VIRGINIA, FOR THE BENEFIT OF WOODBERRY FOREST
SCHOOL
Resolution #2020-30**

WHEREAS, Woodberry Forest School (the “School”), a not-for-profit Virginia nonstock corporation that owns and operates an independent preparatory school for boys, has requested the Industrial Development Authority of Madison County, Virginia (the “Authority”), to issue its educational facilities revenue bonds (the “Bonds”) pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in a maximum aggregate principal amount of \$20,000,000;

WHEREAS, the campus of the School is located in Madison County, Virginia, and the School’s mailing address is 10 Woodberry Station, 898 Woodberry Forest Road, Woodberry Forest, Virginia 22989;

WHEREAS, the School has submitted to the Authority an application requesting the Authority to issue the Bonds to (a) finance various capital improvement projects on its campus, including, without limitation, the completion of renovations of the Walker Building and the construction, improvement and equipping of various capital improvements set forth in the Capital Improvement Plan endorsed by the School’s Board of Trustees (as it may be amended from time to time), and (b) pay the related costs of issuance (collectively, the “Plan of Finance”);

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and Section 15.2-4906 of the Act require that the governmental unit (a) having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located and (b) on whose behalf the Bonds are issued, approve the issuance of such Bonds;

WHEREAS, Section 15.2-4906 of the Act requires that such public hearing required by Section 147(f) of the Code be conducted by the Authority, and Section 147(f) of the Code permits such action by the Authority;

WHEREAS, on December 7, 2020, the Authority held a public hearing and adopted an initial resolution (the “Authority Resolution”) approving the issuance of the Bonds, in accordance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Act;

WHEREAS, the Authority and the School has requested the Board of Supervisors (the “Board”) of Madison County, Virginia (the “County”), to approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA:

1. Solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, the Board hereby approves the issuance by the Authority of the Bonds in the maximum aggregate principal amount of \$20,000,000 to assist the School in undertaking the Plan of Finance.

2. Such approval does not constitute an endorsement by the Board of the creditworthiness of the School or the Plan of Finance. The County does not have any obligation to pay the Bonds or the interest thereon or other costs incident thereto.

3. As required by Section 15.2-4909 of the Act, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

4. All acts and doings of the officers of the County and members of the Board that are in conformity with the purposes and intent of this resolution shall be, and the same are hereby approved and confirmed in all respects.

5. This resolution shall take effect immediately upon its adoption.

3a. Consideration: Endorsement of a Medical Cannabis Operator/Cultivator (Jackson): Dr. Patricia Frye, B&M JG Wellness representative, presented a proposal to operate a facility to produce medicinal cannabis to help those with chronic pain management issues. The building being sought for use is located at 62 Seville Road, Rochelle, VA, with a square footage of 38,000 sq. ft. The proposed site is sought to be used 'by right' and utilized as a commercial greenhouse. The proposed opportunity will also provide jobs to the locality and offer training in cultivating, pharmaceutical, processing and distrusting the cannabis products. In closing, Dr. Frye also advised that the processing methods that will be utilized will eliminate any offensive aromas.

Ligon Webb, County Planner, was present, and advise that there are several facets of the proposal (which will call for the requested building to be used as a greenhouse [to cultivate cannabis]) in the future; advised that there may be additional forthcoming legislation regarding cannabis use for recreational purposes within towns/localities, which may either support or hinder the practice being presented for discussion. He also questioned whether the proposed use will affect land use protocol.

The County Administrator referred to the stigma that some citizens may feel; referred to the fact that the proposal will bring jobs to the County and promote agriculture; noted that the business will be required to operate and conform to state guidelines.

Tracey Gardner, Director of Economic Development & Tourism, was present and that (in her opinion) the proposal is a good business endeavor; verbalized support of utilizing the building space for the use being proposed.

- *Supervisor Yowell: Verbalized support of the endeavor being proposed which is agriculture and a professional endeavor; looking forward to hearing discussions within the planning commission.*
- *Chairman Jackson: Advised that Dr. Frye is seeking to obtain a letter of support to the Virginia Board of Pharmacy for the proposed endeavor being discussed.*

Supervisor Yowell moved that the Board of Supervisors authorize the County Administrator to draft a letter of support for the opportunity (being presented), seconded by Supervisor Foster. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

3b. Consideration: Marcus Alert (Jim LaGrafte, RRCS): Jim LaGrafte, Executive Director of the Rappahannock Rapidan Community Services, was present to report on the implementation of the Marcus Alert system as passed in the legislature to support and commit to providing to meeting the goals/standards associated with assisting individuals that are experiencing any type of behavioral health crisis. Notice was recently received from the Department of Behavioral Health asking for organization that are willing to pilot the Marcus Alert protocols, which will allow for one (1) pilot program to be established in each of the five (5) behavioral health districts. In closing, he asked the Madison County Board of Supervisors to provide a letter of support for his agency's application to be such a pilot before the deadline of January 4, 2021.

Supervisor Foster moved that the Board of Supervisors to support Rappahannock Rapidan Community Services for implementation of the Marcus Alert Pilot Program, seconded by Supervisor McGhee. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

4. Public Hearing: Mountaineer Village VA, LLC Tax Abatement Ordinance [ID #2020-22] (Webb): Ligon Webb, County Planner, was present to provide a brief background on the Mountaineer Village VA, LLC Tax Abatement Ordinance (ID #2020-22) for the Surber Development to build proposed apartments on Courthouse Mountain Road. This item has been discussed extensively by the Madison County Planning Commission. The Ordinance (ID #2020-22) will call for the applicant to receive a tax abatement credit for a three-year period (totaling \$2,000.00 per year)

Resolution (#2020-31) is also being presented as required by the Virginia Housing & Development Authority and will call for the actual site to be included as a revitalization area, to develop the type of apartment housing being proposed within the County at the specific site. In closing, he suggested that the County offer full support of tonight's proposal.

Comments:

- *Supervisor McGhee: Call for clarification on the amount of the tax abatement;*

To which Mr. Webb advised will be \$2,000.00 a year (for three years).

- *Supervisor Yowell: Questioned if the Resolution (#2020-31) being proposed will be for the revitalization area, and whether the area will remain as such in the event the proposed apartment project doesn't come to fruition;*

To which the County Attorney explained that the denotation will be for the applicant only, and not the actual property site. He further advised that in the event the property should be owned by someone else, the new property owner can apply for the same opportunity being provided to the existing property owner.

Chairman Jackson opened the floor of the public hearing on the Mountaineer Village, LLC Tax Abatement Ordinance (ID #2020-22) To Partially Exempt Real Estate Taxation for the Proposed Development of Property Known as Mountaineer Village, LLC, Henceforth Known as Mountaineer Village, Located in Madison County, By Local Classification or Designation From Full Assessment of Taxes (for three [3] years).

With no comments being brought forth, the public hearing was closed.

Supervisor Yowell moved that the Board approve Ordinance ID #2020-22 [To Partially Exempt Real Estate Taxation for the Proposed Development of Property Known as Mountaineer Village, LLC, Henceforth Known as Mountaineer Village, Located in Madison County, By Local Classification or Designation From Full Assessment of Taxes], seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

The Ordinance reads as follows:

**AN ORDINANCE TO PARTIALLY EXEMPT REAL ESTATE TAXATION FOR THE PROPOSED
DEVELOPMENT OF PROPERTY KNOWN AS MOUNTAINEER VILLAGE, LLC, HENCEFORTH KNOWN AS
MOUNTAINEER VILLAGE, LOCATED IN MADISON COUNTY, VIRGINIA, BY LOCAL CLASSIFICATION
OR DESIGNATION FROM FULL ASSESSMENT OF TAXES**

Ordinance #2020-22

WHEREAS, SURBER DEVELOPMENT AND CONSULTING LLC, (hereinafter referred to as SURBER DEVELOPMENT) has applied to the Board of Supervisors of Madison County, Virginia, for an ordinance providing it with partial tax exempt status from Madison County on real property taxes relating to the proposed development of Mountaineer Village apartment complex in Madison County, Virginia located on MADISON COUNTY TAX MAP 48-13, TBD COURTHOUSE MOUNTAIN ROAD;

WHEREAS, the Board desires to support and encourage the development of said property by enacting an ordinance to provide SURBER DEVELOPMENT with a partial tax exemption from Madison County's real property taxes; and,

WHEREAS, the Madison County, Virginia did on December 8th, 2020 hold a public hearing in accordance with notice duly and lawfully published in the newspaper; and

WHEREAS, the Virginia Code Section 58.1-3219.4, authorizes the County to enact such exemptions within the limitations therein prescribed and as may be prescribed by this Board.

NOW THEREFORE be it Ordained, pursuant to Section 58.1-3219.4 of the Code of Virginia that:

1. The real property of SURBER DEVELOPMENT to be partially exempted hereby is located in Madison County, Virginia, being tax map number 48-13 located at TBD Courthouse Mountain Road.
2. At a public hearing duly and lawfully held on December 8th, 2020, pursuant to public notice, the Board of Supervisors of Madison County, Virginia, examined and considered SURBER DEVELOPMENT proposal for partial tax exemption.
3. The Madison County's Board of Supervisors hereby finds that:
 - A) The subject real property, along with improvements currently located thereon, is assessed at a total of one-hundred twenty-two thousand nine-hundred (\$122,900) for tax year 2020, and the cost of the intended improvements is expected to be Eight Million One Hundred Thousand Dollars and Zero Cents (\$8,100,000.00).
 - B) The real property taxes that were paid by the subject property's owner for tax year 2020, was Eight-hundred seventy-two dollars and fifty-nine cents (\$872.59) The increase in value caused by the proposed improvements could result in an increase of the amount of total tax on this real

property to the amount of fifty-eight thousand three-hundred two dollars and fifty-nine cents (\$58,382.29).

4. Madison County's Board of Supervisors finds that SURBER DEVELOPMENT is an organization that proposes to develop housing structures for historically underprivileged residents of Madison County, and nearby areas. The proposed development of Mountaineer Village will serve Madison County, and its residents, as an affordable housing option. As such, said organization is eligible for a partial exemption from the assessment of real property taxes as a result of said development under Virginia Code §58.1-3220, for a period of three (3) years, in an amount not to exceed Two-Thousand Dollars and Zero Cents (\$2,000) annually.

5. The Board hereby exempts SURBER DEVELOPMENT from that portion of their real property taxes accruing as a result of an increase in property value by reason of the proposed improvements or Fifty Percent (50%) of the cost of such improvements, whichever is greater but not to exceed Two Thousand Dollars (\$2,000) annually, for a period of three (3) tax years once all improvements are completed.

A) The cost of the improvements shall be presumed as shown on the building permit application. The proposed improvements are those described in the attached exhibit which is hereby incorporated into this ordinance.

B) The exemption hereby granted is contingent upon the following:

1) SURBER DEVELOPMENT providing housing predominately for persons with low to moderate income as defined by Virginia Housing.

Chairman Jackson advised that action will also be required for Resolution #2020-31 [In Support of Mountaineer Village VA (LLC Apartment Revitalization Area)].

The public hearing was opened for discussion on Resolution (#2020-31) In Support of Mountaineer Village VA (LLC) Apartment Revitalization Area.

With no comments being brought forth, the public hearing was closed.

Supervisor Foster moved that the Board adopt Resolution #2020-31 [In Support of Mountaineer Village VA (LLC) Apartment Revitalization Area, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell.*
Nay: (0).

The Resolution reads as follows:

Madison County, Virginia
Resolution
In Support of Mountaineer Village VA (LLC) Apartments
Revitalization Area
#2020-31

Whereas, the Board of Supervisors for Madison County, Virginia, desires to designate the area (the "Area") described in Exhibit A attached hereto as a revitalization area;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

- 1) The industrial, commercial or other economic development of such area will benefit Madison County, Virginia, but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to located or remain in such area; and
- 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the need of low and

moderate income person and families to live within such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

THEREFORE, BE IT RESOLVED that the Board of Supervisors for Madison County, Virginia, supports the request of Surber Development and Consulting LLC, the developer of Mountaineer Village Apartments, to designate Mountaineer Village Apartments as a revitalization area for the sole purpose of the Virginia Housing tax credit application.

NOW, THEREFORE, BE IT RESOLVED that the Area is hereby designated as a revitalization area.

5. Public Hearing: Disposition of American Legion Property on Thrift Road (Gregg): The County Attorney advised that the land at the legion post was donated for recreational purposes prior to the initiation of the Parks & Recreation Authority; the deed of the property also states that if the property is no longer being utilized for recreational purposes, the property will then revert back to the American Legion Post Home. Tonight's public hearing will reflect on the fact that the Parks & Recreation Authority has offered to:

Consolidate all their recreational activities to be moved to Hoover Ridge;

And that:

The only routinely scheduled activity that transpires at the legion property is roller hockey (to be moved to Hoover Ridge in the coming months)

The terms of the deed will result in a lawsuit in the event the County doesn't fulfil its proposed terms

A public hearing is required any time a change is being sought for County property.

Colt Puryear, Esquire, was present and provided a brief overview of the land transfer of property and past activities that transpired at the property in the past (i.e. swimming pool, tennis courts, picnic pavilion, playground, etc.); the American Legion Post Home, Inc., has requested that a five-year lease be initiated (with the County) for a fee of \$10.00 per year, and that they be allowed to clean up the property so that the entire area can be utilized fully for annual events that they hold to support the legion. In closing, it was further noted that it's understood that the ice hockey rink will remain and will be relocated to Hoover Ridge in the coming months.

- *Chairman Jackson: Advised that the PRA is currently focusing on using Hoover Ridge for all of the activities that they currently schedule.*

Chairman Jackson opened the floor of the public hearing. there us any type changes to be imposed to County property

The following individual(s) provided comment(s):

- Clarissa Berry: Verbalized no concerns with the property being reverted back to the American Legion Post Home, Inc., as the legion has taken extensive measures to restore the building; however, she did verbalize concerns with the idea that the public recreational portion of the property can only be utilized by PRA sports, as there are many families in the Town of Madison that do walk to the park, allow their kids to play in the playground area, and completely enjoy the picnic pavilion on a regular basis; encouraged the legion representatives to keep the aforementioned thoughts in mind when doing any work on the property.

Chairman Jackson advised that:

1. An email was received from Chris Artale to verbalize support of keeping the ice hockey rink safe while at the legion.
2. The American Legion Post Home, Inc. is in the process of working on drafting a lease.
3. It's anticipated that the American Legion Post Home, Inc., will be most considerate of the fact that town residents do utilize the property for family outings.

- Mike Mosko (American Legion Member) was present and verbalized full support of the proposal being presented; also noted that members of the legion have continued to perform regular maintenance of the legion facilities; doesn't feel that the legion will in any way discourage the public from visiting the property; feels that if the facilities allowed to continue to deteriorate, it will eventually become a liability issue.

Mr. Puryear advised that usage of the facilities have been addressed with PRA members, and that the future intent is to allow activities to continue long-term with the intent to eventually move the hockey rink to Hoover Ridge when it's appropriate to do so.

The County Attorney advised that it's anticipated that the exchange of the deed of lease for the property will be reverted back to American Legion Post Home, Inc.

With no further comment(s) being brought forth, the public hearing was closed.

Supervisor Yowell moved that the Board convey 4.111 acres off State Route 647, adjoining the American Legion Post Home, Inc., further identified as Tax Map Parcel Number 39-38AR 657 adjoining the American Legion Post Home, Inc., second by Supervisor Hoffman.

Supervisor Yowell amended his original motion to include 'subject to the lease', seconded by Supervisor Hoffman.
Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

Moved from Public Comment

John Reid, Foothills Housing Corporation (trailers from Thrift Road Campus): Mr. Reid joined the meeting from the online forum, and advised that the corporation is interested in attaining the modular buildings the Thrift Road Complex to relocate them to a local mobile home park; efforts are underway with Patrick Mauney of the Rappahannock Regional Commission to designate two (2) families to occupy the dwellings; the Foothills Housing Corporation is willing to fund the lot rent for both units until designated families have been found. In closing, he advised the County to provide input as to the value of the two (2) units, as the FHC isn't looking to attain the modular units for free.

- *Supervisor Yowell: Questioned if it would be more of an asset or a liability when the property is placed on the market.*
- *Chairman Jackson: Advised that the trailers are in very poor condition; once removed, it's anticipated that it would be an asset to sell the trailers; feels that (in his opinion) the property will be more valuable without the trailers in place; it's anticipated that the area will be cleared up once the trailers are removed.*

The County Attorney advised that a public hearing will be required due to the nature of tonight's request to dispose of County owned property.

The County Administrator advised that a discussions have transpired with Roger Berry, Director of Facilities, concerning having a demolition contractor assess disposal of the trailers; advised that if the response to tonight's request is positive, it will take about six (6) months before County offices located at Thrift Road will be vacated, contingent upon approval of the renovation project at the Administration Building.

After discussion, it was the consensus of the Board of Supervisors to ask John Reid, Foothills Housing Corporation, to continue developing his proposal to relocate and utilize the two (2) trailers located at the Thrift Road campus for future housing for two (2) families.

Mr. Reid also encouraged the Board of Supervisors to assess the monetary value of the two (2) trailers to the Foothills Housing Corporation.

Special Appearances

1a. Presentation to Teri Weaver (Jackson): Chairman Jackson read Resolution #2020-23 to Teresa D. Weaver, which reads as follows:

RESOLUTION #2020-23

Teresa D. Weaver

IN APPRECIATION FOR TWENTY-SIX YEARS OF OUTSTANDING AND DEDICATED SERVICE TO MADISON COUNTY

In Appreciation for twenty-six years of outstanding and dedicated service to Madison County.

WHEREAS, 'Terri' Weaver has served the County of Madison as the Officer Manager for the Madison County Sheriff's Office, and has served under three different Sheriff administrations,

WHEREAS, throughout her years of service, "Terri" Weaver has performed her job with competency, effectiveness, and has generously given her time above and beyond the normal realm of employment, to support Madison County, the Madison County Sheriff's Office, and the citizens of Madison County, and

WHEREAS, "Terri" Weaver has always demonstrated a positive and professional demeanor during numerous county emergencies, day to day operations of a Sheriff's Office, special events, and being accessible to the general public;

NOW, THEREFORE IT BE RESOLVED that on the occasion of her retirement from the Madison County Sheriff's Office, the Madison County Board of Supervisors hereby expresses its appreciation to "Terri" Weaver for her dedicated service to the citizens of Madison County.

Approved on August 26, 2020, on motion of Supervisor Yowell, seconded by Supervisor McGhee, and presented by the Madison County Board of Supervisor's Chairman.

Ms. Weaver was presented a Clore rocking chair and thanked by the members of the Board for her service to the County.

Consent Agenda

6. Consent Agenda

A. Minutes from the November 24, 2020 Meeting

B. Authorization to Pay Capital Project Invoices from Bond Proceeds (\$774,014.00)

Supervisor Yowell, advised that the majority of the capital project invoices is for the school system, and was approved by the CIP Committee at the last meeting session.

Supervisor Foster moved that the Consent Agenda be approved as presented, seconded McGhee. *Aye: Jackson, McGhee, Foster, Yowell. Abstain: Hoffman. Nay: (0).*

Constitutional Officers, County Departments, Committees & Organizations

Building/Zoning: Ligon Webb, County Planner, was present and advised that his office is continuing to issue building permits; much in the works on the proposed cell tower.

Clerk of the Circuit Court: Leeta Louk, Clerk of the Circuit Court, was present to report the following:

Handled 244 land record cases

\$77,061 was sent to the State

\$123,999 was sent to the County

6 civil suits handled

45 concealed handgun permits issued (in-person classes will be required after December 31, 2020 in order to attain a permit)

Polycam system was utilized to deal with two (2) prisoners & was utilized with an adoption system (that transpired between ten different groups)

Committees/Board/Commission Vacancies: Jacqueline Frye, Deputy Clerk, was present and advised that the recent advertisement was for vacancies on: a) Planning Commission (3); b) Industrial Development Board (1); and c) Rappahannock Rapidan Community Services (1). To date, five (5) applications have been received for the Planning Commission, but none for the other vacancies.

After discussion, it was the consensus of the Board to re-advertise for two (2) weeks for the Industrial Development Authority and Rappahannock Rapidan Community Services.

Commissioner of the Revenue: Brian Daniel, Commissioner of the Revenue, was present and advised that his department is working on updating personal property and working on land transfers.

E911: Brian Gordon, Director of Emergency Communications, was present and advised the following highlights from his monthly report:

- **GeoCom Meetings (Upgrade)**
- *Fiber meetings ongoing with ANS and the County team members to determine any leverage for other County projects.*
- *Hughes River landowners have the lease and all indications are they are getting close to signing.*
- *Staging underway in Chicago – Staging has been moved to a virtual setting and will occur December 7, 8, 9. This was changed because of the COVID situation in Chicago and locally.*

Next Generation 911 – A meeting occurred with Verizon engineers to discuss getting redundant fiber into the ECC. That discussion yielded point that had not been brought up before, this led to more civil work being needed to bring the fiber to the termination point.

CARES – The old consoles have been disassembled and the new Watson Consoles have been installed. The chairs are also in service. The install occurred the weeks of 10/10 and 10/26 in a live cutover format.

EMS: Noah Hillstrom, Director of Emergency Medical Services, was present to provide highlights from his monthly report: 113 calls toned; Average in-County response time was ten (10) minutes; still have two (2) FTE vacancies; heading to Ft. Wayne, IN tomorrow to pick up response vehicles; Held two (2) orientations for MCRS members

Facilities: Roger Berry, Director of Facilities, was present and advised that the jail inmates have returned to assist with grounds and the installation of holiday decorations along Main Street; encouraged the Board of Supervisors to allow John Reid of the Foothills Housing Corporation, to have the modular units at the Thrift Road Complex.

Chairman Jackson: Advised that the citizens and staff of the Town Office have expressed appreciation regarding the holiday decorations.

Emergency Management Services: John Sherer, Emergency Management Services Coordinator, was present and advised that efforts are underway with the Virginia Department of Health and Virginia Department of Emergency Management regarding stats and information on the pandemic; conversations are focusing on the development of a COVID-19 vaccine, which has already started in the UK. Current stats reflect the following:

192,000 cases reported for yesterday in the US; 14,955,947 cases recorded thus far in the US; John Hopkins reports 67,719,710 cases recorded globally with 1,547,487 fatalities recorded globally; 43,639,453 people have recovered from the virus

Local stats: 205 reported cases; 13 hospitalizations; 4 deaths

Good PPE supply is good

Working with the Virginia Department of Health regarding future vaccination

➤ *Supervisor Yowell: Referred to the upcoming vaccine planning discussion in Culpeper County;*

To which Mr. Sherer advised will transpire on December 14, 2020, and will focus on sheltering options.

Commonwealth Attorney: Clarissa Berry, Commonwealth Attorney, was present to introduce Alexander Hamilton, Assistant Commonwealth Attorney, who has been hired to work in her office; advised that plans are being made to resume jury trials; accolades given for the body cam equipment.

Internet Technology: Bruce Livingston, IT, was present to report that he has been assisting with the GeoCom computer equipment; working (with Clark Securities, Inc.) on security system in the courthouse; working on getting configuration in place for the ambulance units; advised that he has been told that there is fiber running along Main Street. on services back-up plan; working with Clark Securities to assess network and configuration for ambulances; noted that he has been told that fiber does run along the Main Street; will assess getting this service trenched and in place by March 2021; fiber also runs along Fairgrounds Road.

Economic Development & Tourism: Tracey Williams Gardner, Director of Economic Development & Tourism, was present to provide highlights from her monthly departmental report regarding:

- Thanks to Spruce Rock Farm in Brightwood for providing our Tree, Aylor's Garage and Towing for transporting and Roger Berry and crew, for placing and putting up lights and decorations again this year. There won't be a Tree Lighting ceremony or parade, but Town will look magical again this year.
- The latest WanderLove video by M.A.P Drones featuring fall foliage <https://youtu.be/GLnea2SQy6A> had reached over 16,000 people and 141 shares after only 5days before boosting it.
- I nominated Over the TopChef, Catch the Chef and Cake Krums early on in the pandemic for a Cardinal Comeback series VEDA was doing and they shared it yesterday via social media (Over the Top Chef, Catch the Chef & Cake Krums were recognized for donating hundreds of meals for local children during the beginning of the COVID 19 shutdown).
- Attending VEDA zoom and Tourism zoom meetings Wednesday, Dec 2nd
- Revaluation and AFID Grant – awaiting Performance Agreement from VADACS.
- October had about 60 new walk ins and 5800 website views, November had 54 walk ins 4858 website views.
- Brochure is being reprinted. It had been finalized then reworked due to Covid-19
- Participated in Quad County Summit on November 17th
- Crafting a New Normal info and webinars
- IDA meeting scheduled for Monday, December 7th regarding Woodberry
- CIC is currently beginning to collect receipts for Recovery Grants
- Also attached, Real Estate stats from Greater Piedmont Realtors, Kevin McHaney is President this year
- Advised that it has been reported that a Santa train will be passing through the County on Saturday and should travel down Main Street at about 2:00 p.m.
- Parks & Recreation and Graves' Mountain Lodge are doing an excellent job of promoting social distancing at their events
- Brochure to advise of real estate stats as provided from Greater Piedmont Realtors for review

Roger Berry, Director of Facilities & Maintenance, advised that County residents are more than welcome to donate an ornament to be placed on the Christmas tree located on the lawn of the War Memorial Building.

Planning Commission: Peter Work, Commission member, was present and advised that the Commission is discussing the broadband issue; a report will be provided for discussion shortly.

Finance: Mary Jane Costello, Finance Director, was present and advised that the annual audit must be filed with the State by December 15, 2020; the attorney's letter is also needed by the Auditors; referred that the CARES Act funding report that will need to be closed out; MOU's are still needed from all entities that have requested CARES Act funding; interviews will be held shortly to fill the departmental vacancy; all vendor contracts have been expedited (excluding one that needs additional verbiage); a kick-off meeting will need to be scheduled shortly; suggested that the County Administrator take the lead on the MOU template development process.

Supervisor Yowell: Referred to information that stated that the State deadline to receive the audit is now December 31, 2020; questioned if the template for the MOU documents could be handled by the County Administrator;

To which the Finance Director advised that she'd like to review the templates before they are sent to any recipients; she also acknowledged the budget dates provided in the draft budget schedule.

- *Chairman Jackson: Suggested that the draft MOU document be forwarded to the County Attorney for review; stressed the need to complete all criteria necessary to close out the CARES Act funding process.*

The County Administrator made reference to the time frame to spend the CARES Act funding.

The Finance Director advised that new information was received from the Auditor of Accounts to denote that the deadline to pay CARES Act funding to recipients is now January 15, 2021. It was further noted that there are some items to be purchased for EMS that may not be received by the above referenced deadline.

- *Chairman Jackson: Advised that a plan is now in place to get the required MOU's in order and executed before the above referenced deadline.*

Madison Schools: Barry Penn Hollar, School Board Chair, joined the meeting via the online format and provided a brief overview of the learning techniques being initiated by staff during the pandemic; in-person learning is also in place; verbalized concerns on the quality of online learning and how well the students are being educated during the pandemic; grade and assessment data for the first quarter will be reviewed next week; noted that the school system has spent all of the CARES Act funding that was made available; feels that the State will mandate that quality online learning be offered on a long-term basis; reported that sports events are in the works for the winter session and with an attendance limit of twenty-five (25) people (to include cheerleaders).

- *Chairman Jackson: Questioned whether all of the CARES Act funding sources (four [4] funding sources) allocated to the school system have been depleted and whether the school held back some funding that could be used through 2022-2023;*

To which Mr. Penn Hollar advised that the Superintendent did report that all funding has been spent; however, he will research and provide further clarification at a later date.

- *Chairman Jackson: Advised that work at the Madison Primary School is going very well.*
- *Supervisor Yowell: Advised that (in his opinion) online learning could become an unfunded mandate.*

In reference to Item 1B: Clarification was also made to the effect that the bonuses for the:

- Constitutional Deputies
- County Deputies

and that the allocation would also include ten (10) dispatchers (excluding the Director of Emergency Communications, at his request).

Supervisor McGhee moved to amend his original motion to extend the \$500 bonus to the Sheriff's Deputies (Comp board & County paid) and to include the ten (10) staff members of the E911 Center, seconded by Supervisor Hoffman. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

Old Business

7a. Consideration: Hazard Mitigation Grant (Sherer): John Sherer, Emergency Management Services Coordinator, was present and advised that the Rappahannock Rapidan Regional Commission is applying for a grant and requested that the County submit a letter of intent in order to participate in the hazard mitigation plan; there will be no cost to the County to participate; FEMA does require that the locality submit a letter of intent and that a County representative participate.

The County Administrator advised that the Hazard Mitigation grant process is on a five-year cycle; the grant will allow the County to be prepared for natural disasters, and calls for FEMA and VDEM to allocate grant funding to the County in order to develop a hazard mitigation plan.

Mr. Sherer advised that he will be required to attend meetings and give Madison County a voice in the overall process.

Supervisor Yowell moved that the Board endorse the Hazard Mitigation Grant, seconded by Supervisor Foster. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

7b. Consideration: Revised Leathers Lane Position Statement (Gregg):

8. Consideration: Whidby Proposal for Leathers Lane Maintenance (Hobbs):

The County Attorney referred to the proposal submitted for work on Leathers Lane; due to the time frame involved; due to the time frame involved, it's felt that nothing will be done before the end of 2020. He advised that he will work with the County Administrator to assess input. In closing, he noted that all licenses have been revoked for all property owners at the present time.

The County Administrator advised that discussions will need to focus on meeting specifications as deemed appropriate by the County with regrading to the proposal submitted by Mr. Darryl Whidby. In closing, he noted that no road work will be initiated by any of the property owners, and that comments are being sought from the property owners that will still need to be assessed.

- *Chairman Jackson: Advised that comments are being attained from the property owners; a solution will still need to be attained; stressed the fact that no work is to be done by any of the property owners and that an updated position statement (from the County) will probably not be in order until the first of January/February 2021.*
- *Supervisor Yowell: Referred to the fact that the mitigation statement should minimize staff time, as the issue of Leathers Lane is taking up a lot of staff time; advised that the Board has already reviewed several pages of documentation pertaining to Leathers Lane; feels that the comments he has reviewed are basically the same but by different residents; encouraged the residents to compile comments and sign the final document as opposed of present several pages of the same content from each property owner.*

- 9. Consideration: Madison County Administration Center Renovation Contract Award (Hobbs): The County Administrator advised that bids were received on the project; low bidder's numbers were about \$78,000 over budget; negotiations are underway in order to resolve the overage (i.e. replacing wood countertops with plastic ones; assessing plumbing fixtures; lighting package, etc.).

- *Supervisor Yowell: Questioned who will be the Clerk of the Works over the project;*

To which the County Administrator advised that he will be on hand, and that:

Norman Smith, Architect, will be on site during the project

Jaime Wilks, Building, Official

Roger Berry, Director of Facilities & Maintenance

Supervisor McGhee moved that the Board of Supervisors authorize the County Administrator to execute a construction contract for the Madison County Administration Center Renovation Project with Clark Nexson Construction Services, Inc., with a total contract value not to exceed \$1,100,000, seconded by Supervisor Hoffman.

Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

New Business:

10. Discussion: FY22 Budget Development Calendar (Hobbs): The County Administrator provided a draft 2021 budget calendar for review and consideration by the Board. He suggested that budget request documents be requested, received and compiled in time for the Board to review them in late January 2021.

- *Supervisor Yowell: Noted that the planned itinerary appears to be most reasonable.*

The County Administrator noted that the timetable had been designed so the Board could hear original funding requests from all parties.

The Finance Director verbalized thoughts on the distribution list and the process that has been utilized in the past; advised that many agencies that don't provide the same type of information to the County.

- *Chairman Jackson: Suggested that the County begin the process and move forward.*

After discussion, the County Administrator advised that efforts will be made to move forward with a viable solution to get the budgetary process underway and ready for presentation to the Board on January 21, 2021.

11. Consideration: Bridge Replacement on Repton Mill Road at Beautiful Run Road (Hobbs): The County Administrator advised that VDOT has submitted a request to replace the bridge on Repton Mill Road at Beautiful Run Road during the late summer of 2021. The proposal will include building a bridge designed to accommodate heavy trucks, school buses, and able to comply with the County's floodplain requirements.

Brian Gordon, Director of Emergency Communications, was present and advised that the original bridge washed away during heavy rains, and has been closed until further notice.

Supervisor Yowell: Suggested that VDOT be encouraged to schedule the proposed work to July 2021 so as to not to further disrupt the school buses; also questioned the total funding budget for the project.

Supervisor Yowell moved to authorize the Chairman to send a letter to VDOT regarding the agency's plan to replace the bridge over Beautiful Run on Repton Mill Road/SR 607 to the effect that:

1. The County concurs with the VDOT plan for the project, specifically the road closure and lack of bicycle/pedestrian facilities,

1. The County requests that VDOT verify that the bridge has been designed to sufficiently carry fire apparatus, school bus and farm equipment loading,
2. VDOT is reminded of its responsibility to comply with floodplain construction permit and approval requirements and
3. VDOT is requested to closely coordinate the road closure with the County's Emergency Communications and the school board transportation office.
5. Ask that VDOT accelerate the construction until the middle of the summer of 2021 so as not to interfere with the school's transport of the children.

Seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

12. Discussion: MCRS Building (Jackson): Chairman Jackson advised that the Madison County Volunteer Rescue Squad has passed the deadline to break ground for the proposed building; however, with the current facility not being very efficient; a new facility is necessary. In closing, he suggested that a meeting transpire between the: Chairman, Supervisor Hoffman, the County Administrator, Noah Hillstrom, Director of Emergency Medical Services and John Sherer, Emergency Management Services Coordinator and the volunteers to discuss a possible plan for a design and viable funding mechanisms in order to help them move forward,

The above suggestion was also accepted by consensus of the full Board.

Information/Correspondence

2021 Filing (SOEI/FDS): The County Administrator advised of the 2021 filing period (Statement of Economic Interest/Financial Disclosure) as required by the Commonwealth Ethics Committee.

Board/Committee/Commission Appointments: The County Administrator advised of the need to appoint members to the Board/Committee/Commission appointments on January 4, 2021.

COVID-19 Update: The County Administrator advised that a report on the COVID 19 pandemic for Madison County will be forthcoming.

- *Supervisor Yowell: Made reference to the upcoming terms for Commission member's whose terms will be ending in December 2020 and January 2021 (Fay Utz, Pete Elliott).*
- *Chairman Jackson: Advised that the Board will assess appointments and/or interviews for upcoming vacancies at the first meeting in January 2021.*

Public Comment

Chairman Jackson opened the floor for public comment. The following individual(s) provided comment(s):

- John Kirby (Leathers Lane) was present and verbalized concerns as to what will transpire in the event it snows; suggested that a contract (he knows) be hired to use special equipment that will not damage the existing roadwork.

The County Attorney advised that the issue of inclement weather will be assessed, and that a comprehensive plan will need to be developed; also noted that there are other private subdivisions within the County where neighbors have discussed issues and come to a viable resolution to address these same types of concerns.

- *Chairman Jackson: Advised that definitive answers will not be in place until next month; noted that the residents appear to be unable to come to an agreement; the County isn't in a position to show favoritism towards any property owners and must be fair to all residents; noted that the County has to assume a new position.*

Darryl Whidby (Leathers Lane) was present and advised that he has been maintaining the road free of charge, and has always used his own equipment.

Brian Lenhoff was present and made reference to the two (2) work areas and verbalized concerns that the current roadwork may be damaged.

In closing, Chairman Jackson encouraged the residents to meet and come to an agreement on how best to move forward; the issue of Leathers Lane has been brought forth at every meeting for a road that is only about one mile long.

- *Supervisor Yowell: Made reference to the area of Leathers Lane that wasn't improved; advised that property owners will have to do what they must to deal with inclement weather.*

With no further comment(s) being brought forth, the public comment opportunity was closed.

Closed Session

Closed Session (Personnel & Legal)

Supervisor Hoffman moved that the Board convene in a closed session pursuant to Virginia Code Sections:

A. 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probably litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body;

B. 2.2-3711(A)(1) for discussion on the assignment discussion on the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of the County Administrator and the County Attorney and:

C. 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members pertaining to the Rother litigation on the Special Use Permit approved on November 4, 2020, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body,

Seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)*

Supervisor Hoffman moved that the Board re-convene in open session, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)*

Supervisor Hoffman moved to certify by roll-call vote that only matter lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1) and (7), and that only matters that were identified in the motion to convene in a closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor McGhee.

Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)

No action was taken as a result of closed session

Adjourn

With there being no more business to consider, on motion of Supervisor Hoffman, seconded by Supervisor Foster, the Board voted to:

1. Cancel the scheduled December 22, 2020 meeting and:
2. To adjourn until January 4, 2021 at 9:00 a.m. in the Board Auditorium for the 2021 Organizational Meeting. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Copies: Board of Supervisors, County Attorney & Constitutional Officers

Adopted on: January 12, 2021

Adopted Items:

Ordinance ID #2020-22 [Mountaineer Village Tax Abatement]

Resolution #2020-30 [Woodberry Forest - 2021 - Resolution of Madison County Board of Supervisors]

Resolution #2020-31 [Mountaineer Village Madison County, VA]

Agenda

Board of Supervisors Meeting

Tuesday, December 8, 2020 at 4:00 p.m.

County Administration Building Auditorium

414 N Main Street, Madison, Virginia 22727

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

Public Comment

Jim Reid, Foothills Housing Corporation (trailers from Thrift Road Campus) [Moved until after Item 5]

Special Appearances

1a. Presentation to Teri Weaver (Jackson) [Moved until after Item 5]

b. Consideration: Sheriff's Deputy Bonuses (Jackson)

2. Consideration: Resolution to Support Woodberry Forest's IDA Financing (Gardner)

3a. Consideration: Endorsement of a Medical Cannabis Operator/Cultivator (Jackson)

b. Consideration: Marcus Alert (Jim LaGrafte, RRCS)

4. Public Hearing: Mountaineer Village VA, LLC Tax Abatement Ordinance (Webb)

5. Public Hearing: Disposal of American Legion Property on Thrift Road (Gregg)

Consent Agenda

6. Consent Agenda

A. Minutes from the November 24, 2020 Meeting

B. Authorization to Pay Capital Project Invoices from Bond Proceeds (\$774,014.00)

Constitutional Officers, County Departments, Committees & Organizations

Old Business

7a. Consideration: Hazard Mitigation Grant (Sherer)

b. Consideration: Revised Leathers Lane Position Statement (Gregg)

8. Consideration: Whidby Proposal for Leathers Lane Maintenance (Hobbs)

9. Consideration: Madison County Administration Center Renovation Contract Award (Hobbs)

New Business

10. Discussion: FY22 Budget Development Calendar (Hobbs)

11. Consideration: Bridge Replacement on Repton Mill Road At Beautiful Run Road (Hobbs)

12. Discussion: MCRS Building (Jackson)

Information/Correspondence

Public Comment

Closed Session *[Negotiations, Legal & Personnel]*

13 Adjourn to January 4, 2020 at 9:00 a.m. (Cancel December 22, 2020 Meeting)

AMENDMENT(S) DENOTED IN **ROYAL BLUE**.